

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed October 27, 2010. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 17, 30, 35 and 39 have been amended. No new matter has been added. Accordingly, Claims 17-20 and 23-40 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 103

1. Rejection of Claims 17-24 and 27-29 based on Storey et al. and Yasuda et al.

On pages 2-4 of the Detailed Action, the Examiner rejected Claims 17-24, 27-29 and 30-34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 5,518,269 to Storey et al. (“Storey et al.”) and U.S. Patent 6,337,461 to Yasuda et al. (“Yasuda et al.”). This rejection should be withdrawn because Storey et al., alone or in any proper combination with Yasuda et al., does not disclose, teach or suggest the claimed inventions.

For example, independent Claim 17 recites a “method for producing a component for deployment of an airbag device” comprising, among other elements, “introducing a plurality of holes into threads of [a] textile surface structure to define a weakening zone on the component that is configured to tear open and provide an exit opening for the airbag device being deployed, wherein spacing from hole center to center of adjacent holes in the textile surface structure differs from spacing from thread center to thread center of adjacent threads.” Independent Claim 17 goes on to further recite that “the spacing from hole center to hole center of adjacent holes is 0.6 to 0.75 times the spacing from thread center to thread center of adjacent threads.”

Storey et al., alone or in any proper combination with Yasuda et al., does not disclose, teach or suggest such methods. In contrast, Storey et al. discloses an “air bag cushion 12” having a “dynamic vent 28” (col. 4, lines 45-61). The “dynamic vent 28” is formed in the fabric of the cushion and opens at a critical pressure through the degradation of the fabric by melting. The melting of the fabric is accomplished by reducing the strength of the “dynamic vent 28” relative to the remainder of the fabric. Storey et al. discloses that the strength of the “dynamic vent 28” can be reduced by either creating “micropores 34” in the fabric (col. 5, lines 10-23) or by lowering the thread count of the fabric, for example, by forming the air bag cushion from a fabric having 40 threads per inch rather than the normal fabric which has 50 threads per inch (col. 5, line 66 – col. 6, line 9). Yasuda et al. discloses making “microperforations 7” in a trim piece formed of a rigid polypropylene substrate, a foamed polypropylene intermediate layer, and an ABS/PVC composite so as to provide a line of mechanical weakness in the trim piece to allow deployment of an air bag. (col. 1, lines 60-67 and col. 3, lines 47-50). The “microperforations 7” are made in the trim piece at intervals of about 0.2-5.0 millimeters (mm) along the predetermined cut path.

In view of the above disclosures, the Examiner concluded that “[i]t would have been obvious for one of ordinary skill in the art at the time of the invention to use a known successful method of forming areas of catastrophic mechanical failure in a material, such as forming microperforations every 0.2-5.0 mm as taught by Yasuda et al., into the method of Storey et al. because such modification would have been within his technical grasp.” The Examiner asserted that a combination of Storey et al. and Yasuda et al. would result in “utilizing a slightly permeable material with a thread count of 50 per inch would result in thread center to center spacing of 1.967 mm (50/25.4 mm),” and that “[m]ultiplying [the calculated] spacing by Applicant’s claimed range of 0.6 to 0.75 would result in a spacing of 1.184 to 1.477, which falls into Yasuda’s spacing of 0.2-5.0 mm.”

First, Applicants submit that the combination of Storey et al. and Yasuda et al. is improper because a person skilled in the art would not have recognized a reason to combine

Storey et al. and Yasuda et al. in the manner suggested by the Examiner. Applicants disagree that “[i]t would have been obvious for one of ordinary skill in the art at the time of the invention to use a known successful method of forming areas of catastrophic mechanical failure in a material, such as forming microperforations every 0.2-5.0 mm as taught by Yasuda et al., into the method of Storey et al.” Introducing a catastrophic mechanical failure, as taught by Yasuda et al., to the fabric of Storey et al. would destroy the function of Storey et al. While Storey et al. discloses that the strength of a vent can be reduced by creating microholes or micropores in the fabric, the intended use in Storey et al. requires the fabric to remain at a strength that will avoid breaking because otherwise the airbag would collapse. Thus, Storey et al. expressly teaches away from introducing a catastrophic mechanical failure to the method as suggested by the Examiner. Any weakness introduced to the fabric in Storey et al. would have to be kept to a minimum to prevent full rupture.

Even if the combination of Storey et al. and Yasuda et al. is proper (which Applicants believe is not for at least the reasons set forth above), Applicants submit that even when these references are combined, the references still fail to disclose, teach or suggest the subject matter of introducing holes in a textile surface such that the spacing between hole centers is different than the spacing between thread centers, and especially do not disclose, teach or suggest the specific positional relationship between the hole centers and the thread centers further required by independent Claim 17.

The Examiner asserted that spacing adjacent holes in a textile surface to be 0.6 to 0.75 times the spacing from thread center to thread center of adjacent threads of the textile surface is nothing more than a “discovery of [an] optimum value of [a] result effective variable in [a] known process.” Applicants respectfully disagree, and submit that the Examiner has failed to establish that introducing holes in a textile surface such that the spacing between hole centers is different than the spacing between thread centers is a known process, and therefore, the discovery of an optimum value (e.g., 0.6 to 0.75) cannot be obvious to one of ordinary skill in the art. Applicants note that the Supreme Court in *KSR Int’l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 (2007)

has not removed the requirement that the prior art reference (or references when combined) must teach or suggest all the claim limitations. Furthermore, as suggested by MPEP 2143, all elements (when the references are combined) need to be known in the art to support a conclusion of obviousness. Thus, the Examiner is not relieved of his responsibility of finding prior art teaching or suggesting all the features of the claimed invention to establish a prima facie case of obviousness because no prior art has been set forth teaching or suggesting introducing holes in a textile surface such that the spacing between hole centers is selected to be different than the spacing between thread centers.

Applicants submit that the Examiner relied on hindsight reasoning when he multiplied the calculated thread center to thread center value by the specific ratio recited in the claims. Nothing from Storey et al. or Yasuda et al. would have made it obvious to one of ordinary skill in the art at the time of the invention to set the incremental spacing of the holes based on some percentage of the incremental spacing of the thread centers, let alone multiple the distance between thread centers by 0.6-0.75 in order to set the spacing of the hole centers. This subject matter was taken from Applicants' own application using hindsight reasoning, which is improper. It was Applicants who conceived that subject matter of selecting the incremental spacing of holes to be different than the spacing of threads to ensure that a large number of successive laser treatments in the thread are not rendered ineffective by coinciding with thread interspaces, thus preventing the weakening of the textile surface structure.

With regard to the calculation used by the Examiner in an attempt to determine a thread center to thread center distance in a fabric having a thread count of 50 threads per inch, Applicants note the following errors. First, in order to arrive at such a determination, the Examiner had to make the following unsupported assumptions: i) that there is no space between the threads in Storey et al.; ii) that the diameter size of the threads are constant throughout the sample; and iii) that there is no distortion between adjacent threads (e.g., due to compression, etc.) that would change the shape and/or diameter of the threads. Second, even with such assumptions, it appears that the value calculated by the Examiner is incorrect. For example, to

determine the distance between thread centers (in millimeters) of a fabric having a thread count of 50 threads per inch, the Examiner divided 50 by 25.4 millimeters to arrive at a value of 1.967 millimeters. Applicants submit that the calculated value does not represent the distance between thread centers, but rather, represents the number of threads per millimeter for a fabric having a thread count of 50 threads per inch.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 17 because at least one element of such claim is not disclosed, taught or suggested by Storey et al., alone or in any proper combination with Yasuda et al. Claims 18-24 and 27-29, as they depend from independent Claim 17, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claims 17-24 and 27-29 is respectfully requested.

Finally, Applicants note that independent Claim 17, along with independent Claims 30, 35 and 39, have been amended to clarify that the weakening zone is configured to tear open and provide an exit opening for the airbag device being deployed.

2. Rejection of claims 17, 24-26 and 35-39 based on Bauer et al., Storey et al., Yasuda et al. and Gray et al.

On pages 5-9 of the Detailed Action, the Examiner rejected Claims 17, 24-26 and 35-39 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 20010010423 to Bauer et al. ("Bauer et al.") in view of Storey et al., Yasuda et al. and U.S. Patent Application Publication No. 20020153710 to Gray et al. ("Gray et al."). This rejection should be withdrawn because Bauer et al., alone or in any proper combination with Storey et al., Yasuda et al. and Gray et al., does not disclose, teach or suggest the claimed inventions.

For example, as noted above, independent Claim 17 recites a “method for producing a component for deployment of an airbag device” comprising, among other elements, “introducing a plurality of holes into threads of [a] textile surface structure to define a weakening zone on the component that is configured to tear open and provide an exit opening for the airbag being deployed, wherein spacing from hole center to center of adjacent holes in the textile surface structure differs from spacing from thread center to thread center of adjacent threads.”

Similarly, independent Claim 35 recites a “method for producing a vehicle component having an airbag flap” comprising, among other elements, “introducing a plurality of holes to threads of the textile surface structure by applying laser treatment to define a weakening zone on the component that is configured to tear open and provide an exit opening for the airbag being deployed. . . wherein spacing from hole center to hole center of adjacent holes in the textile surface structure differs from spacing from thread center to thread center of adjacent threads.”

Further, independent Claim 39 recites a “method for producing a component for deployment of an airbag device” comprising, among other elements, “introducing a plurality of holes to threads of the textile surface structure to define a weakening zone on the component that is configured to tear open and provide an exit opening for the airbag device being deployed, wherein spacing from hole center to hole center of adjacent holes in the textile surface structure differs from spacing from thread center to thread center of adjacent threads.”

Bauer et al., alone or in any proper combination with Storey et al., Yasuda et al. and Gray et al., does not disclose, teach or suggest such methods. As set forth above, the combination of Storey et al. and Yasuda et al., which Applicants believe is improper, fails to disclose, teach or suggest the subject matter of introducing holes in a textile surface such that the spacing between hole centers is different than the spacing between thread centers. Neither Bauer et al. nor Gray et al. correct this deficiency. Bauer et al. was relied on by the Examiner of allegedly disclosing a component having a fabric layer, a foam layer and a support layer, while Gray et al. was relied on by the Examiner for allegedly disclosing a method wherein a weakening zone is formed in a supporting element in a separate step or prior to laminating a foam and fabric layers.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claims 17, 35 and 39 because at least one element of such claims is not disclosed, taught or suggested by Bauer et al., alone or in any proper combination with Storey et al., Yasuda et al. and Gray et al. Claims 24-26, as they depend from independent Claim 17, and Claims 36-38, as they depend from independent Claim 35, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claims 17, 24-26 and 35-39 is respectfully requested.

3. Rejection of Claim 29 based on Bauer et al., Storey et al., Yasuda et al., Gray et al. and Kim

On pages 9-10 of the Detailed Action, the Examiner rejected Claim 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bauer et al. in view of Storey et al., Yasuda et al., Gray et al. and U.S. Patent Application Publication No. 20020047252 to Kim (“Kim”). This rejection should be withdrawn because Bauer et al., alone or in any proper combination with Storey et al., Yasuda et al., Gray et al. and Kim, does not disclose, teach or suggest the claimed inventions.

Dependent Claim 29 depends from independent Claim 17. As set forth above, Applicants believe that independent Claim 17 recites a combination of subject matter that is allowable over the combination of Bauer et al., Storey et al., Yasuda et al. and Gray et al. Kim, which was relied on by the Examiner for allegedly disclosing a fabric that may be used as a component for an item of clothing with an integrated airbag for motorcyclists, does not correct the deficiencies of Bauer et al., Storey et al., Yasuda et al. and Gray et al. set forth above. Accordingly, Applicants submit that Claim 29, as it depends from independent Claim 17, is allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claim. Reconsideration and withdrawal of this rejection of Claim 29 is respectfully requested.

4. Rejection of Claims 30-32 and 34 based on Bauer et al., Storey et al. and Yasuda et al.

On pages 10-12 of the Detailed Action, the Examiner rejected Claims 30-32 and 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bauer et al. in view of Storey et al. and Yasuda et al. This rejection should be withdrawn because Bauer et al., alone or in any proper combination with Storey et al. and Yasuda et al., does not disclose, teach or suggest the claimed inventions.

For example, Claim 30 recites a “method for producing a vehicle component having an airbag flap section” comprising, among other elements, “introducing a plurality of holes into threads of [a] textile surface structure by applying laser treatment to define a weakening zone on the component that is configured to tear open and provide an exit opening for the airbag device being deployed, wherein spacing from hole center to center of adjacent holes in the textile surface structure differs from spacing from thread center to thread center of adjacent threads.” Independent Claim 30 also goes on to further recite that “the spacing from hole center to hole center of adjacent holes is 0.6 to 0.75 times the spacing from thread center to thread center of adjacent threads.”

Bauer et al., alone or in any proper combination with Storey et al. and Yasuda et al., does not disclose, teach or suggest such a method. As set forth above, the combination of Bauer et al., Storey et al. and Yasuda et al. fails to disclose, teach or suggest the subject matter of introducing holes in a textile surface such that the spacing between hole centers is different than the spacing between thread centers.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 30 because at least one element of such claims is not disclosed, taught or suggested by Bauer et al., alone or in any proper combination with Storey et al. and Yasuda et al. Claims 31, 32 and 34, as they depend from independent Claim 30, are allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such

claims. Reconsideration and withdrawal of this rejection of Claims 30-32 and 34 is respectfully requested.

5. Rejection of Claim 33 based on Bauer et al., Storey et al., Yasuda et al. and Gray et al.

On pages 12-13 of the Detailed Action, the Examiner rejected Claim 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bauer et al. in view of Storey et al., Yasuda et al. and Gray et al. This rejection should be withdrawn because Bauer et al., alone or in any proper combination with Storey et al., Yasuda et al. and Gray et al., does not disclose, teach or suggest the claimed invention.

Dependent Claim 33 depends from independent Claim 30. As set forth above, Applicants believe that independent Claim 30 recites a combination of subject matter that is allowable over the combination of Bauer et al., Storey et al. and Yasuda et al. As also set forth above, Gray et al., which was relied on by the Examiner for allegedly disclosing a method wherein a weakening zone is formed in a supporting element in a separate step or prior to laminating a foam and fabric layers, does not correct the deficiencies of Bauer et al., Storey et al. and Yasuda et al. Accordingly, Applicants submit that Claim 33, as it depends from independent Claim 30, is allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claims. Reconsideration and withdrawal of this rejection of Claim 33 is respectfully requested.

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Applicants believe that the present Application is now in condition for allowance. In particular, even when the elements of Applicants' claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that a telephone interview would advance the prosecution of the present application. Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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